

ASSEMBLY BILL

No. 1502

Introduced by Assembly Member Mullin

January 13, 2014

An act to amend Sections 11201, 11250, and 11320.3 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, as introduced, Mullin. CalWORKs: Family Unity Act of 2015.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, state, and county funds. Existing law requires that aid be granted to families with related children under 18 years of age who have been deprived of parental support or care due to the unemployment of a parent. Existing law also provides, however, that a family receiving aid under this chapter with a child who is considered to be deprived of parental support or care due to unemployment may continue to receive assistance regardless of the number of hours his or her parent works provided the family does not exceed the applicable gross or net income limits and is otherwise eligible for assistance.

This bill would clarify that a child is deprived of parental support or care, and is therefore eligible to receive assistance, due to the unemployment, underemployment, or low wages of his or her parent, provided that the family does not exceed the applicable gross or net income limits.

As part of the CalWORKs program, participants, unless specifically exempted, are required to participate in welfare-to-work activities. Existing law exempts from these welfare-to-work requirements a nonparent caretaker relative who has primary responsibility for providing care for a child who is a dependent or ward of the juvenile court or is at risk of entering foster care, if the county determines that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities such that they impair the caretaker relative’s ability to be regularly employed or to participate in welfare-to-work activities.

This bill would expand that exemption to apply to any nonparent caretaker relative who has primary responsibility for providing care for a child who is a dependent or ward of the juvenile court or is at risk of entering foster care.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 CalWORKs Family Unity Act of 2015.
- 3 SEC. 2. Section 11201 of the Welfare and Institutions Code is
- 4 amended to read:
- 5 11201. For the purposes of this chapter, the following shall
- 6 apply:
- 7 (a) “Unemployed parent” means a natural or adoptive parent
- 8 *who is unemployed, underemployed, or working poor with an*
- 9 *income that qualifies him or her for assistance and with whom*
- 10 ~~the~~ *an eligible child is living.*
- 11 (b) A child for whom a parent is applying for assistance under
- 12 ~~this chapter shall be considered to be~~ *is deemed* deprived of parental
- 13 support or care due to the unemployment, *underemployment, or*
- 14 *low wages* of his or her parent or parents ~~when if the parent has~~
- 15 ~~worked less than 100 hours in the preceding four weeks and meets~~
- 16 ~~the requirements concerning an unemployed parent in effect on~~
- 17 ~~August 21, 1996, as set forth in Section 233.100 of Title 45 of the~~
- 18 ~~Code of Federal Regulations except for the provisions of~~
- 19 ~~subparagraph (i) to (v), inclusive, of paragraph (3) of subsection~~
- 20 ~~(a) of that section~~ *family’s income, if any, is within the income*
- 21 *limits specified in this chapter.*

1 (c) A family receiving aid under this chapter with a child who
2 ~~is considered to be~~ *deemed* deprived of parental support or care
3 due to unemployment, *underemployment*, or *low wages* may
4 continue to receive assistance regardless of the number of hours
5 his or her parent works provided the family does not exceed the
6 applicable gross or net income limits and is otherwise eligible for
7 assistance.

8 SEC. 3. Section 11250 of the Welfare and Institutions Code is
9 amended to read:

10 11250. Aid, services, or both shall be granted under the
11 provisions of this chapter, and subject to the regulations of the
12 department, to families with related children under the age of 18
13 years, except as provided in Section 11253, in need thereof because
14 they have been deprived of parental support or care due to:

15 (a) The death, physical or mental incapacity, or incarceration
16 of a parent.

17 (b) The unemployment, *underemployment*, or *low wages* of a
18 parent or parents.

19 (c) Continued absence of a parent from the home due to divorce,
20 separation, desertion, or any other reason, except absence
21 occasioned solely by reason of the performance of active duty in
22 the uniformed services of the United States. "Continued absence"
23 exists when the nature of the absence is such as either to interrupt
24 or to terminate the parent's functioning as a provider of
25 maintenance, physical care, or guidance for the child, and the
26 known or indefinite duration of the absence precludes counting
27 on the parent's performance of the function of planning for the
28 present support or care of the child. If these conditions exist, the
29 parent may be absent for any reason, and may have left only
30 recently or some time previously.

31 SEC. 4. Section 11320.3 of the Welfare and Institutions Code
32 is amended to read:

33 11320.3. (a) (1) Except as provided in subdivision (b) or if
34 otherwise exempt, every individual, as a condition of eligibility
35 for aid under this chapter, shall participate in welfare-to-work
36 activities under this article.

37 (2) Individuals eligible under Section 11331.5 shall be required
38 to participate in the Cal-Learn Program under Article 3.5
39 (commencing with Section 11331) during the time that article is

1 operative, in lieu of the welfare-to-work requirements, and
2 subdivision (b) shall not apply to that individual.

3 (b) The following individuals shall not be required to participate
4 *in welfare-to-work* for so long as the condition continues to exist:

5 (1) An individual under 16 years of age.

6 (2) (A) A child attending an elementary, secondary, vocational,
7 or technical school on a full-time basis.

8 (B) A person who is 16 or 17 years of age, or a person described
9 in subdivision (d) who loses this exemption, shall not requalify
10 for the exemption by attending school as a required activity under
11 this article.

12 (C) Notwithstanding subparagraph (B), a person who is 16 or
13 17 years of age who has obtained a high school diploma or its
14 equivalent and is enrolled or is planning to enroll in a
15 postsecondary education, vocational, or technical school training
16 program shall also not be required to participate for so long as the
17 condition continues to exist.

18 (D) For purposes of subparagraph (C), a person shall be deemed
19 to be planning to enroll in a postsecondary education, vocational,
20 or technical school training program if he or she, or his or her
21 parent, acting on his or her behalf, submits a written statement
22 expressing his or her intent to enroll in such a program for the
23 following term. The exemption from participation shall not
24 continue beyond the beginning of the term, unless verification of
25 enrollment is provided or obtained by the county.

26 (3) An individual who meets either of the following conditions:

27 (A) The individual is disabled as determined by a doctor's
28 verification that the disability is expected to last at least 30 days
29 and that it significantly impairs the recipient's ability to be
30 regularly employed or participate in welfare-to-work activities,
31 provided that the individual is actively seeking appropriate medical
32 treatment.

33 (B) The individual is of advanced age.

34 (4) A nonparent caretaker relative who has primary
35 responsibility for providing care for a child and is either caring for
36 a child who is a dependent or ward of the court or caring for a
37 child in a case in which a county determines the child is at risk of
38 placement in foster care, ~~and the county determines that the~~
39 ~~caretaking responsibilities are beyond those considered normal~~
40 ~~day-to-day parenting responsibilities such that they impair the~~

1 caretaker relative's ability to be regularly employed or to participate
2 in welfare-to-work activities.

3 (5) An individual whose presence in the home is required
4 because of illness or incapacity of another member of the household
5 and whose caretaking responsibilities impair the recipient's ability
6 to be regularly employed or to participate in welfare-to-work
7 activities.

8 (6) A parent or other relative who meets the criteria in
9 subparagraph (A) or (B).

10 (A) (i) The parent or other relative has primary responsibility
11 for personally providing care to a child six months of age or under,
12 except that, on a case-by-case basis, and based on criteria
13 developed by the county, this period may be reduced to the first
14 12 weeks after the birth or adoption of the child, or increased to
15 the first 12 months after the birth or adoption of the child. An
16 individual may be exempt only once under this clause.

17 (ii) An individual who received an exemption pursuant to clause
18 (i) shall be exempt for a period of 12 weeks, upon the birth or
19 adoption of any subsequent children, except that this period may
20 be extended on a case-by-case basis to six months, based on criteria
21 developed by the county.

22 (iii) In making the determination to extend the period of
23 exception under clause (i) or (ii), the following may be considered:

24 (I) The availability of child care.

25 (II) Local labor market conditions.

26 (III) Other factors determined by the county.

27 (iv) Effective January 1, 2013, the parent or other relative has
28 primary responsibility for personally providing care to one child
29 from birth to 23 months, inclusive. The exemption provided for
30 under this clause shall be available in addition to any other
31 exemption provided for under this subparagraph. An individual
32 may be exempt only once under this clause.

33 (B) In a family eligible for aid under this chapter due to the
34 unemployment, *underemployment*, or *low wages* of the principal
35 wage earner, the exemption criteria contained in subparagraph (A)
36 shall be applied to only one parent.

37 (7) A parent or other relative who has primary responsibility
38 for personally providing care to one child who is from 12 to 23
39 months of age, inclusive, or two or more children who are under
40 six years of age.

1 (8) A woman who is pregnant and for whom it has been
2 medically verified that the pregnancy impairs her ability to be
3 regularly employed or participate in welfare-to-work activities or
4 the county has determined that, at that time, participation will not
5 readily lead to employment or that a training activity is not
6 appropriate. If a pregnant woman is unable to secure this medical
7 verification, but is otherwise eligible for an exemption from
8 welfare-to-work requirements under this section, including good
9 cause for temporary illness related to the pregnancy, she shall be
10 exempt from participation.

11 (c) Any individual not required to participate may choose to
12 participate voluntarily under this article, and end that participation
13 at any time without loss of eligibility for aid under this chapter, if
14 his or her status has not changed in a way that would require
15 participation.

16 (d) (1) Notwithstanding subdivision (a), a custodial parent who
17 is under 20 years of age and who has not earned a high school
18 diploma or its equivalent, and who is not exempt or whose only
19 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
20 subdivision (b), shall be required to participate solely for the
21 purpose of earning a high school diploma or its equivalent. During
22 the time that Article 3.5 (commencing with Section 11331) is
23 operative, this subdivision shall only apply to a custodial parent
24 who is 19 years of age.

25 (2) Section 11325.25 shall apply to a custodial parent who is
26 18 or 19 years of age and who is required to participate under this
27 article.

28 (e) Notwithstanding paragraph (1) of subdivision (d), the county
29 may determine that participation in education activities for the
30 purpose of earning a high school diploma or equivalent is
31 inappropriate for an 18 or 19 year old custodial parent only if that
32 parent is reassigned pursuant to an evaluation under Section
33 11325.25, or, at appraisal is already in an educational or vocational
34 training program that is approvable as a self-initiated program as
35 specified in Section 11325.23. If that determination is made, the
36 parent shall be allowed to continue participation in the self-initiated
37 program subject to Section 11325.23. During the time that Article
38 3.5 (commencing with Section 11331) is operative, this subdivision
39 shall only apply to a custodial parent who is 19 years of age.

1 (f) A recipient shall be excused from participation for good
2 cause when the county has determined there is a condition or other
3 circumstance that temporarily prevents or significantly impairs
4 the recipient's ability to be regularly employed or to participate in
5 welfare-to-work activities. The county welfare department shall
6 review the good cause determination for its continuing
7 appropriateness in accordance with the projected length of the
8 condition, or circumstance, but not less than every three months.
9 The recipient shall cooperate with the county welfare department
10 and provide information, including written documentation, as
11 required to complete the review. Conditions that may be considered
12 good cause include, but are not limited to, the following:

13 (1) Lack of necessary supportive services.

14 (2) In accordance with Article 7.5 (commencing with Section
15 11495), the applicant or recipient is a victim of domestic violence,
16 but only if participation under this article is detrimental to or
17 unfairly penalizes that individual or his or her family.

18 (3) Licensed or license-exempt child care for a child 10 years
19 of age or younger is not reasonably available during the
20 individual's hours of training or employment including commuting
21 time, or arrangements for child care have broken down or have
22 been interrupted, or child care is needed for a child who meets the
23 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of
24 Section 11323.2, but who is not included in the assistance unit.
25 For purposes of this paragraph, "reasonable availability" means
26 child care that is commonly available in the recipient's community
27 to a person who is not receiving aid and that is in conformity with
28 the requirements of Public Law 104-193. The choices of child care
29 shall meet either licensing requirements or the requirements of
30 Section 11324. This good cause criterion shall include the
31 unavailability of suitable special needs child care for children with
32 identified special needs, including, but not limited to, disabilities
33 or chronic illnesses.

34 (g) (1) Paragraph (7) of subdivision (b) shall be implemented
35 notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,
36 and shall become inoperative on January 1, 2013.

37 (2) The State Department of Social Services, in consultation
38 with the County Welfare Directors Association of California, and
39 advocates, shall develop a process to assist clients with
40 reengagement in welfare-to-work activities, pursuant to subdivision

1 (h). Reengagement activities may include notifying clients of the
2 expiration of exemptions, reassessments, and identifying necessary
3 supportive services.

4 (h) (1) A recipient who was not required to participate in
5 welfare-to-work activities on December 31, 2012, because, in
6 accordance with paragraph (7) of subdivision (b), he or she is a
7 parent or other relative who has primary responsibility for
8 personally providing care to one child who is from 12 to 23 months
9 of age, inclusive, or two or more children who are under six years
10 of age shall not be required to participate until the county welfare
11 department reengages the recipient in welfare-to-work activities.

12 (2) For purposes of this subdivision, reengagement in
13 welfare-to-work activities shall include the development of a
14 welfare-to-work plan in accordance with Section 11325.21 and
15 the provision of necessary supportive services pursuant to Section
16 11323.2.

17 (3) County welfare departments shall reengage all recipients
18 described in paragraph (1) by January 1, 2015, unless the recipient
19 is otherwise eligible for an exemption under subdivision (b).

20 (4) A recipient reengaged in accordance with this subdivision
21 who has received assistance under this chapter, or from any state
22 pursuant to the Temporary Assistance for Needy Families program
23 (Part A (commencing with Section 401) of Title IV of the federal
24 Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue
25 in a welfare-to-work plan that meets the requirements of Section
26 11322.6 for a cumulative period of 24 months commencing the
27 first day of the first month after he or she is reengaged, unless or
28 until he or she exceeds the 48-month time limitation described in
29 Section 11454.

30 (5) All months of assistance described in paragraph (4) prior to
31 the reengagement of the recipient shall not be applied to the
32 24-month limitation described in paragraph (1) of subdivision (a)
33 of Section 11322.85.